K

1947.

File No. B. Munis. Distt. and Boroughs 47

K

P22E Legal **DEPARTMENT**

B **BRANCH**

Subject:—

~~K~~ 2017

A Bill to re-enact the Bombay Municipal Boroughs (Amendment) Act, 1944, the Bombay District Munis. and Munis. Boroughs (Amendment) Act, 1945 and the Bombay Distt. Munis and Munis. Boroughs (Amendment) Act, 1946 and to amend the Bombay District Municipal Act, 1901 and the Bombay Municipal Boroughs Act, 1925.

L.A. Bill No. IV of 1947.

Bombay Act No. I of 1947.

File No. B Munis. Distt & Boroughs/47

Std. Sectt. Slip 24 B a.

542-B

CONTENTS.

Legal Department File No.S.Cells.Distt.& Boroughs/1947.

The Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1947.

1.	T.N.to G.D., No.6587, dt. 27-9-46.	Draft Bill.	1-2.
2.	G.I., L.D., No.2594, dt.17-3-47.	Seeking Governor's assent.	3-6.
3.	L.D., R.I. No.3302, dt.13-3-47.	Governor's assent.	7-8.
4.	G.N., L.D., No.331, dt.11-1-47.	Publication of the Bill.	9-14.
5.	G.I., L.D., No.2545, dt.13-3-47.	Publication of the Act.	15-22.
6.	---	Bill, Act and Debate.	23-36.

HRP.
14/8/50.

1515

Office of the R.L.A.

A revised draft Bill is sent herewith.

2. The subject-matter of the Bill falls under entries 13, 14 and 43A in List II in the Seventh Schedule to the Government of India Act, 1935. The Bill does not require any sanction or recommendation under the Government of India Act, 1935, or affect any special responsibility of the Governor under section 52(1) of the said Act. As the Bill does not relate to any matter in the Concurrent Legislative List, it is not necessary to reserve it for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935.

3. A revised draft Statement of Objects and Reasons is appended.

Sd. P.N.Moos
25/9/46
Remembrancer of Legal Affairs.

U.O.No. to G.D., No. 6537, dated the 27th September 1946.

MRP.
14/5/56.

No.2594.

Legal Department,
Bombay Castle, 17th March 1947.

From

D.V.Vyas, Esquire, I.C.S.,
Secretary to the Government of Bombay.

To

The Secretary to the Governor of Bombay.

Subject:- A Bill to re-enact the Bombay Municipal Boroughs (Amendment) Act, 1944, the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1945, and the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1946, and to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925.

Sir,

With reference to section 75 of the Government of India Act, 1935, I am directed to forward herewith for the assent of His Excellency the Governor, an authentic copy of a Bill to re-enact the Bombay Municipal Boroughs (Amendment) Act, 1944, the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1945, and the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1946, and to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 20th February 1947 and on the 23th February 1947, respectively.

2. None of the provisions of the Bill affect any special responsiblity of the Governor under section 52(1) of the Government of India Act, 1935, or falls within the purview of clause (a), (b), (c) or (d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay.

3. The subject-matter of the Bill falls under entries 15, 14 and 43A in List II in the Seventh Schedule to the Government

of

Government of India Act, 1935.

4. As the Bill does not relate to any matter in the Concurrent Legislative List, it is not necessary to reserve it for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935.

5. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

6. I am also to forward herewith one copy of each of the papers noted in the margin. The Bill was not referred to a Select Committe

1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.
2. Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.
3. Bill as read for the third time and passed by the Bombay Legislative Council.
4. Extracts from the proceedings of the Bombay Legislative Assembly dated the 20th February 1947 and of the Bombay Legislative Council dated the 28th February 1947.

7. I am to state that it is proposed to publish the Bombay District Municipal and Municipal Boroughs (Second Amendment) Bill, 1947, as an Act on the 18th March 1947. The authentic copy of that Bill has been forwarded to you separately for obtaining the assent of His Excellency the Governor. As the present Bill is called the Bombay District Municipal and Municipal Boroughs (Amendment) Bill, 1947, it is necessary to publish it as an Act before the Second Amendment Bill referred to above is published as an Act. I am, therefore, to request you to obtain the assent of His Excellency the Governor to this Bill also immediately and to return the Bill so assented to this Department at once, so as to enable this Department to take the necessary action.

I have the honour to be,
Sir,
Your most obedient servant,

Sd. D.V.Vyas
Secretary to Government.

MRP.
18/3/86.

Through the Secretary to the Government of Bombay

General Department.

No.G.S.879.
Office of the Governor's Secretary,
Government House,
Bombay, 18th March 1947.

From

D. Symington, Esquire, C.I.E., I.C.S.,
Secretary to the Governor of Bombay.

T o

The Secretary to Government,
Legal Department.

Subject:- (1) The Bombay District Municipal and Municipal Boroughs (Amendment) Bill, 1947.

(2) The Bombay District Municipal and Municipal Boroughs (Second Amendment) Bill, 1947.

Sir,

With reference to your letters No.2594 and No.2595, dated the 17th March 1947, I am directed to return herewith, with His Excellency the Governor's assent signified thereon, the copies of the Bombay District Municipal and Municipal Boroughs (Amendment) Bill, 1947, and the Bombay District Municipal and Municipal Boroughs (Second Amendment) Bill, 1947.

Your obedient servant,

Sd. D. Symington
Secretary to the Governor of Bombay.

MRP.
15/5/56.

Bills.

A Bill to re-enact the Bombay Municipal Boroughs (Amendment) Act, 1944, the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1945, and the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1946, and to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No.331.
Bombay Castle, 11th January 1947.

Memorandum from the General Department No.S.120/1-A, dated the 6th January 1947:- Transferring for necessary action, the papers relating to a Bill to re-enact the Bombay Municipal Boroughs (Amendment) Act, 1944, the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1945, and the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1946, and to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925.

RESOLUTION:- The Bill with the Statement of Objects and Reasons should be forwarded to the Manager, Government Central Press, Bombay, for publication in the Bombay Government Gazette, dated the 11th January 1947, as Bill No.VI of 1947.

2. The Bill and the Statement of Objects and Reasons should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu ~~script~~ and Devnagari scripts) and the translations should be published in the Bombay Government Gazette, on the 16th January 1947.

3. The dates of the various publications should be reported to the Secretary to the Bombay Legislative Assembly.

By order of the Governor of Bombay,

Sd. K.M.Chitnis,
Assistant Remembrancer of Legal Affairs.

To

The Manager, Government Central Press, Bombay (with the Bill and S.O.R. and with a request that 230 Gazette copies of the Bill and the S.O.R. may be forwarded to the Secretary to the Bombay Legislative Assembly for distribution to the members of the Bombay Legislative Assembly and 25 copies for the use of the Legal Deptt.

The ~~Extra~~ General Department,) with a copy
The Oriental Translator to Government,) of the Bill
) and S.O.R.

P.T.O.

The Secretary to the Bombay Legislative Assembly, }
The Director of Publicity, Bombay, }

---

*With five extra copies of the Bill.

MRP.
14/5/56.

Acts.

Publication of the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1947.

GOVERNMENT OF BOMBAY.

Legal Department.

Resolution No.2645.

Bombay Castle, 18th March 1947.

Letter to the Secretary to the Governor, No.2594, dated the 17th March 1947.

Letter from the Secretary to the Governor, No.G.S.879, dated the 18th March 1947:

"With reference to your letters No.2594, and No.2595, dated the 17th March 1947, I am directed to return herewith, with His Excellency the Governor's assent signified thereon, the copies of the Bombay District Municipal and Municipal Boroughs (Amendment) Bill, 1947, and the Bombay District Municipal and Municipal Boroughs (Second Amendment) Bill, 1947."

RESOLUTION:- The law should be published as Bombay Act No.I of 1947 in the Bombay Government Gazette, dated the 18th March 1947.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette

3. A copy of the Act should be forwarded to the General Department with reference to the memorandum from that Department No.S.120/1-A, dated the 8th January 1947.

By order of the Governor of Bombay,

Sd. D.V.Vyas
Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 15 copies of the Act may be forwarded to the Legal Department),

The General Department,
*The Oriental Translator to Government,
The Secretary to the Bombay Legislative Assembly,
The Director of Publicity,
} with a copy of the Act.

*With five extra copies of the Act.

MRP.
15/5/56.

[To be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. IV OF 1947.

A Bill to re-enact the Bombay Municipal Boroughs (Amendment) Act, 1944, the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1945, and the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1946, and to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925.

26 Geo. 5, Ch. 2, Bom. XX of 1944. Bom. XXII of 1945. Bom. VII of 1946.

WHEREAS in view of the provisions of sub-section (*4*) of section 93 of the Government of India Act, 1935, it is expedient to re-enact the Bombay Municipal Boroughs (Amendment) Act, 1944, the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1945, and the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1946.

Bom. III of 1901. Bom. XVIII of 1925.

AND WHEREAS it is expedient to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925, for certain purposes; It is hereby enacted as follows :—

1. This Act may be called the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1947. Short title.

MO-1 Bk Hb 290

Repeal of Bom. XX of 1944 and re-enactment of section 2 thereof.

2. The Bombay Municipal Boroughs (Amendment) Act, 1944, is hereby repealed and section 2 thereof is re-enacted. Bom. XX of 1944.

Repeal of Bom. XXII of 1945 and re-enactment of sections 2 and 3 thereof.

3. The Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1945, is hereby repealed and sections 2 and 3 thereof are re-enacted. Bom. XXII of 1945.

Repeal of Bom. VII of 1946 and re-enactment of sections 2 and 3 thereof.

4. The Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1946, is hereby repealed and sections 2 and 3 thereof are re-enacted. Bom. VII of 1946.

Amendment of section 86 of Bom. III of 1901.

5. In section 86 of the Bombay District Municipal Act, 1901, for the words "or of the District Magistrate", the words, figures, letter and brackets "or in respect of the areas specified in Part II of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945, of the Chief Presidency Magistrate or in respect of other areas of the District Magistrate" shall be substituted. Bom. III of 1901. Bom. XVII of 1945.

Amendment of section 23 of Bom. XVIII of 1925.

6. In section 23 of the Bombay Municipal Boroughs Act, 1925, (hereinafter called the said Act)— Bom. XVIII of 1925.

(*a*) after sub-section (*1*) the following new sub-section shall be inserted, namely :—

"(*1A*) In the event of the expiry of the term of office of the president or vice-president determined by the municipality under sub-section (*1*) of section 19, unless section 19A applies, a new president or vice-president, as the case may be, shall be elected within twenty-five days from the date of such expiry."

(*b*) to sub-section (*2*), the word, brackets, figure and letter "or (*1A*)" shall be added.

Amendment of section 110 of Bom. XVIII of 1925.

7. In section 110 of the said Act, for the words "District Magistrates" the words, figures, letter and brackets "Chief Presidency Magistrate in respect of the areas specified in Part II of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945, or of the District Magistrates in respect of other areas;" shall be substituted. Bom. XVII of 1945.

STATEMENT OF OBJECTS AND REASONS.

The objects of the Bill are explained in the following notes on clauses.

2. *Clauses 2, 3 and 4.*—In virtue of the provisions of section 11 (*1*) of the Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925), prior to the enactment of Bombay Act XX of 1944, in respect of a Municipal Borough which constituted or formed part of a territorial constituency of the Bombay Legislative Assembly, the name of every tax-payer including that of a defaulting one had to be entered in the list of municipal voters if his name was entered in the current electoral-roll or part thereof. The result was that the effect of section 11 (*2*) (*a*) (*ii*) which provides for the elimination from the list of voters of the names of those persons who have not paid arrears of taxes for three months before the last date for receipt of application for enrolment in the list of voters under preparation or revision, was nullified. This defect was removed by section 2 of Bombay Act XX of 1944, by amending the said section 11 (*1*).

By the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1945 (Bom. XXII of 1945), section 56 (*h*) of the Bombay District Municipal Act, 1901 (Bom. III of 1901), and section 71 (*i*) of the Bombay Municipal Boroughs Act, 1925, were amended so as to enable municipalities in Greater Bombay, other than the Bombay Municipality to pick up and destroy stray dogs on the issue of a public notice by the Commissioner of Police, Bombay, under section 29 (*1*) of the City of Bombay Police Act, 1902 (Bom. IV of 1902), which has come into operation in the whole of Greater Bombay.

By the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1946 (Bom. VII of 1946), section 59 (*ii*) of the Bombay District Municipal Act, 1901, and section 73 (*ii*) of the Bombay Municipal Boroughs Act, 1925, were amended so as to bring the provisions of the former Act in regard to the levy of a tax on vehicles, boats and animals into line with those of the latter Act, and also to provide that motor vehicles garaged outside the municipal district should not escape taxation, but at the same time should not be liable to taxation in more than one area.

The said amendments made by the three Governor's Acts, viz., Bom. XX of 1944, Bom. XXII of 1945 and Bom. VII of 1946, will by reason of the provisions of section 93 of the Government of India Act, 1935, cease to have effect unless re-enacted by the Legislature within two years of the withdrawal of the Proclamation of Emergency issued under the said section. As it is necessary to give permanent effect to the amendments, it is proposed to re-enact them.

3. *Clauses 5 and 7.*—Under section 86 of the Bombay District Municipal Act, 1901, the Provincial Government and District Magistrates have concurrent powers of issuing directions regarding the Magistrate or Bench of Magistrates, who should try appeals against notices of demand issued by municipalities. Under section 110 of the Bombay Municipal Boroughs Act, 1925, only District Magistrates have power to issue directions against similar notices of demand. In the case of municipal boroughs included in the Greater Bombay it is necessary to empower the Chief Presidency Magistrate, Bombay, to issue directions as there is now no District

Magistrate exercising jurisdiction in that area. It is also considered desirable that the Chief Presidency Magistrate should have the same power in the case of municipal districts included in Greater Bombay. The amendments in these clauses are intended to achieve this object.

4. *Clause 6.*—Under sub-section (*1*) of section 19 of the Bombay Municipal Boroughs Act, 1925, a municipality is competent to fix the term of office of its president or vice-president for a period of not less than one year, and not more than three years; and the proviso to that sub-section lays down that the term of office of such president or vice-president shall be deemed to extend to and expire with the date on which his successor is elected. If the term of office of a president is for a period of less than three years, a meeting for the election of a new president has to be called by the retiring president. If the president fails to call the meeting the vice-president can call it; but if both of them refuse to call the meeting, there is no provision in the Act under which they could be compelled to call such meeting. There is also no provision in the Act under which the Collector can, the circumstances, call the meeting. The result is that in the circumstances stated, the president can, by virtue of the proviso to sub-section (*1*) of section 19 of the Act, continue to hold office even after the expiry of the term of his office. In order to cure this lacuna in the Act, it is proposed to amend it so as to make the election of the new president or vice-president, as the case my be, within twenty-five days from the date of expiry of his term of office obligatory. It is also proposed to empower the Collector to call a meeting for the purpose and to make the provisions of section 19A applicable to the procedure to be followed at such meeting.

(Signed) G. D. VARTAK.

7th January 1947.

By order of the Governor of Bombay,

K. M. CHITNVIS,

Assistant Remembrancer of Legal affairs.

Bombay, dated 10th January 1947.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

135

BOMBAY ACT No. I OF 1947.

~~L. A. BILL No. IV OF 1947.~~

An Act—

~~A Bill~~ *to re-enact the Bombay Municipal Boroughs (Amendment) Act, 1944, the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1945, and the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1946, and to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925.*

(As ~~read~~ for the third time ~~and passed~~ by the Legislative ~~Assembly on the~~ 20th February 1947.)

(As ~~read~~ for the third time and ~~passed~~ by the Legislative Council on the 28th February ~~1947~~.)

26 Geo. 5, Ch. 2. Bom. XX of 1944. Bom. XXII of 1945. Bom. VII of 1946.

WHEREAS in view of the provisions of sub-section (*4*) of section 93 of the Government of India Act, 1935, it is expedient to re-enact the Bombay Municipal Boroughs (Amendment) Act, 1944, the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1945, and the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1946;

AND WHEREAS it is expedient to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925, for certain purposes; It is hereby enacted as follows :— Bom. III of 1901. Bom. XVIII of 1925.

Short title.

1. This Act may be called the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1947.

Repeal of Bom. XX of 1944 and re-enactment of section 2 thereof.

2. The Bombay Municipal Boroughs (Amendment) Act, 1944, is hereby repealed and section 2 thereof is re-enacted. Bom. XX of 1944.

Repeal of Bom. XXII of 1945 and re-enactment of sections 2 and 3 thereof.

3. The Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1945, is hereby repealed and sections 2 and 3 thereof are re-enacted. Bom. XXII of 1945.

Repeal of Bom. VII of 1946 and re-enactment of sections 2 and 3 thereof.

4. The Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1946, is hereby repealed and sections 2 and 3 thereof are re-enacted. Bom. VII of 1946.

Amendment of section 86 of Bom. III of 1901.

5. In section 86 of the Bombay District Municipal Act, 1901, for the words " or of the District Magistrate ", the words, figures, letter and brackets " or in respect of the areas specified in Part II of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945, of the Chief Presidency Magistrate or in respect of other areas, of the District Magistrate " shall be substituted. Bom. III of 1901. Bom. XVII of 1945.

Amendment of section 23 of Bom. XVIII of 1925.

6. In section 23 of the Bombay Municipal Boroughs Act, 1925, (hereinafter called the said Act)— Bom. XVIII of 1925.

(*a*) after sub-section (*1*) the following new sub-section shall be inserted, namely :—

" (*1A*) In the event of the expiry of the term of office of the president or vice-president determined by the municipality under sub-section (*1*) of section 19, unless section 19A applies, a new president or vice-president, as the case may be, shall be elected within twenty-five days from the date of such expiry."

(*b*) to sub-section (*2*), the word, brackets, figure and letter " or (*1A*) " shall be added.

Amendment of section 110 of Bom. XVIII of 1925.

7. In section 110 of the said Act, for the words "District Magistrates" the words, figures, letter and brackets "Chief Presidency Magistrate in respect of the areas specified in Part II of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945, or of the District Magistrates in respect of other areas," shall be substituted.

Bom. XVII of 1945.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. IV OF 1947]

(As read for the third time and passed by the Legislative Assembly on the 20th February 1947)

(As read for the third time and passed by the Legislative Council on the 28th February 1947.)

A Bill to re-enact the Bombay Municipal Boroughs (Amendment) Act, 1944, the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1945, and the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1946, and to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925.

[Mr. G. D. VARTAK, M.L.A.]

Bk Hb 330—2

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. IV OF 1947 [A BILL TO RE-ENACT THE BOMBAY MUNICIPAL BOROUGHS (AMENDMENT) ACT, 1944, THE BOMBAY DISTRICT MUNICIPAL AND MUNICIPAL BOROUGHS (AMENDMENT) ACT, 1945, AND THE BOMBAY DISTRICT MUNICIPAL AND MUNICIPAL BOROUGHS (AMENDMENT) ACT, 1946, AND TO AMEND THE BOMBAY DISTRICT MUNICIPAL ACT, 1901, AND THE BOMBAY MUNICIPAL BOROUGHS ACT, 1925].

Mr. G. D. VARTAK: Sir, I beg to introduce L. A. Bill No. IV of 1947 [A Bill to re-enact the Bombay Municipal Boroughs (Amendment) Act, 1944, the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1945, and the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1946, and to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925].

The DEPUTY SPEAKER: The Bill is introduced.

1st Reading.

Mr. G. D. VARTAK: Sir, I beg to move that L. A. Bill No. IV of 1947 [A Bill to re-enact the Bombay Municipal Boroughs (Amendment) Act, 1944, the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1945, and the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1946, and to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925] be read a first time.

Question proposed.

Mr. G. D. VARTAK: Sir, the provisions of this Bill are almost of a non-controversial character. They have been explained in the Statement of Objects and Reasons. However, I shall deal with the Bill clause by clause.

Clauses 2, 3 and 4 of the Bill seek to re-enact the amendments carried out during the time of the section 93 Government, and it is thought desirable to give permanent effect to these amendments. Provision is made in this Bill to repeal certain sections and to re-enact these amendments.

[Mr. G. D. Vartak]

I now take up clause 2. In section 11 (*1*) of the Bombay Municipal Boroughs Act, there is a glaring defect which is sought to be removed by this clause. Under section 11 (*2*) of that Act persons who are in arrears of municipal dues for the period specified in that section become disqualified as municipal voters, but this condition of disqualification does not apply in the case of the Assembly voters, who automatically become municipal voters in accordance with the provisions of section 11 (*1*) of the Bombay Municipal Boroughs Act. Because of this defect, section 11 (*2*) of the Bombay Municipal Boroughs Act became almost ineffective in practice. The defect was removed by Bombay Act XX of 1944. Clause 2 of this Bill deals with that matter.

6-30 p.m.

Clause 3: Under the Greater Bombay Laws almost all the municipalities in the Bombay Suburban District are included in the Greater Bombay area for purposes of police and judicial administration. Consequently the provisions of the City of Bombay Police Act apply to all the municipalities thus transferred from the Bombay Suburban District. Under section 29 (*1*) of the City of Bombay Police Act, the Commissioner of Police issues a public notice which enables the Bombay Municipality to arrange to pick up and destroy stray dogs. But this action could not be taken by the other municipalities in the Greater Bombay area. Therefore, both the District Municipal Act and the Municipal Boroughs Act were amended in 1945, by Governor's Act by including a reference to section 29 (*1*) of the City of Bombay Police Act in the relevant sections of both these Acts, so as to enable the other municipalities in the Greater Bombay area to take similar action.

Act VII of 1946 removed certain defects and loopholes that were found in both the Municipal Acts with regard to the payment of wheel tax. Under the Municipal Boroughs Act a vehicle was liable to be taxed by all the municipalities if it plied within their limits. On the other hand, under the District Municipal Act a municipality could tax a vehicle only if the vehicle was garaged within the municipal limits. Thus in one case there was the obvious danger of multiple taxation, while in the other case taxation could be easily evaded by garaging the vehicle just outside the municipal limits. These defects were removed by Bombay Act VII of 1946 which is now proposed to be re-enacted.

Clauses 5 and 7 of this Bill deal with amendments which are, so to say, the offshoots of the Greater Bombay laws. Under section 110 of the Municipal Boroughs Act the District Magistrates have power to nominate Magistrates to hear appeals in all municipal taxation cases. But the District Magistrate no longer functions in the Greater Bombay area, and thus there is no competent authority which can issue directions for hearing appeals in municipal taxation cases. It is, therefore, proposed to suitably amend section 110 of the Act so as to empower the Chief Presidency Magistrate to make nominations for hearing such appeals. It is also proposed to amend similarly section 86 of the Bombay District Municipal Act so as to bring that section in line with the corresponding section of the Bombay Municipal Boroughs Act.

Clause 6 of the Bill seeks to remove a loophole in section 19 (*1*) of the Bombay Municipal Boroughs Act. Under this section a municipality is competent to fix the term of the office of its President or Vice-President for any period ranging from one to three years. If the period so fixed is less than three years, the retiring President has to call a meeting for the election of a new President. If the

[Mr. G. D. Vartak]

President fails to call a meeting then the Vice President can call the meeting, but if both o them fail to do so there is no provision in the Act under which they can be compelled to call such a meeting. Besides, the proviso to this section allows the President or the Vice President to continue in office till his successor is elected. Taking advantage of this proviso the Presidents of some of the municipalities have refused to call a meeting for the election of their successors. A lacuna thus clearly exists in this Act, and in order to cure this lacuna it is proposed to enact by clause 6 of this Bill that the election of the new President and Vice President shall take place within 25 days of the expiry of the term of the retiring President and that the Collector shall have the power to call a meeting for this purpose. It is also proposed that the procedure prescribed in section 19A shall apply in the case of such meetings.

have already said at the beginning of my speech, this Bill is of a non-ntroversial character. I have tried to explain very briefly its provisions ause by clause. I hope, therefore, that the House will accept its first reading.

Mr. A. A. KHAN (Poona City): Sir, this Bill seeks to keep alive the provisions of certain amending Acts passed by the section 93 Government. As far as I could follow the Hon. Minister, these amendments relate to several things. First of all there is provision for picking up and destroying stray dogs. They are welcome to do so, and I have nothing to say about it.

Then there is provision for the levy of tax on vehicles which may be garaged outside the limits of a municipality. I quite see the lacuna which the Hon. Minister has pointed out. Sometimes people escape taxation; sometimes they are taxed twice. So that provision also is proper and might remain.

The third is in regard to empowering the Chief Presidency Magistrate to issue certain directions. That also is a provision which ought to remain on the statute book.

Clause 6 of the Bill provides for a contingency when the retiring President of a municipality refuses to call a meeting with the result that he continues to act for a certain period of time as President of the Municipality and this has resulted in omalies. But there is one provision to which I take exception, and that is the ien ment of section 11 of the Bombay Municipal Boroughs Act. Now section 11 of the Act reads thus :—

"11. (1) Save as provided in section 16, every person whose name is entered in the current electoral roll or part thereof, prepared for a municipal borough which constitutes or forms part of a territorial constituency and published under rule 23 (3) of the Bombay Legislative Assembly Electoral (Preparation, Revision and Publication of Electoral Rolls) Rules, 1936, shall be qualified to vote at a municipal election in such Municipal borough....."

The fact that I am entered in the rolls of the Legislative Assembly as an elector is a qualification in itself for being enrolled as an elector in the municipal rolls. Then sub-section (2) of that section provides for certain other matters. I would like to know from the Hon. Minister one thing and that is this: supposing I am entered in the municipal rolls not only in my capacity as a landlord, not only in my capacity as a tenant, not only in my capacity as a tax-payer, but also in my capacity as a voter of the Legislative Assembly, and supposing in those circumstances I fail to pay the taxes which are in arrears by the due date, then by the amending provisions my name will be liable to be struck off regardless of the fact that I hold one qualification which has nothing to do with the payment of tax, namely, that I am an elector of the

[Mr. A. A. Khan]

Bombay Legislative Assembly. Now why should that be? Why should I be penalised to that extent? I think that would be a wrong thing to do, and to that extent I oppose the first reading of this Bill.

Mr. MORARJI R. DESAI (Minister for Home and Revenue): Sir, the hon. Member the Leader of the Opposition is opposed to providing that a person who is entitled to be a municipal voter in his capacity of being a member of the Legislative Assembly or a voter for the election of members to the Legislative Assembly should not be debarred from remaining a municipal voter if he is liable for arrears of municipal taxes. What is sought to be done by this amending Bill is that such a person will not remain as a voter of the municipality. He does not cease to be a voter of the Legislative Assembly.

Mr. A. A. KHAN: I never said that.

Mr. MORARJI R. DESAI: I know he never said that. I am making distinction: I am not charging him with having said any such thing. T provision debarring members of the public from being voters of a municipality on the ground that they have not paid the municipal taxes is a very healthy one. Any person who does not pay the municipal taxes is not fit to be a voter of that municipality, because he is unfit to elect representatives to manage the municipality. A representative elected by such voters can never be a proper representative. It is, therefore, necessary to see that such persons do not become voters. It is immaterial whether he qualifies to be a voter as a tax-payer or on educational qualifications or as a voter of the Bombay Legislative Assembly. Rules of disqualification ought to be the same for all. I do not see why a voter of the Legislative Assembly should be a privileged defaulter in the matter of payment of municipal taxes. I do not understand, Sir, the objection of the Leader of the Opposition. I would request him to see the anomaly in his pleading, and to withdraw his opposition to the provision.

Mr. J. H. SHAMSUDDIN: There is another objection to this provision, Sir. We can imagine a situation where a resident of a municipal area was entered in the electoral rolls for the Assembly. At the time his name was entered in the roll he was neither a tenant nor a landlord within the municipal area but subsequently he acquired that qualification so far as the municipality is concerned. After becoming either a landlord or a tenant, he commits default in the payment of taxes. Therefore, the municipality will strike off his name from the electoral roll meant for the municipal elections, because he has committed default. In this case, the name of the person had been originally entered in the roll not as a tenant but in some other capacity and there are contingencies whereby a person can become a voter to the Assembly elections without his being either a tenant or a landlord within a municipal area. Now, *ipso facto*, as the rule stands at present, the person's name would be taken out of the voters' list if he becomes either a landlord or a tenant and commits default. I think such a right should not be taken away from the voter concerned.

Mr. B. G. KHER: Is it the view of the hon. Member that Members of the Legislative Assembly ought to be encouraged to commit default? Does he mean to suggest that they should be licensed not to pay the taxes?

Mr. G. D. VARTAK: The position is quite clear, Sir. An Assembly voter automatically becomes a municipal voter. If, therefore, he acquires property and does not pay the taxes due on the property to the municipality, he should naturally be disqualified from voting in the elections to the municipality. When he acquires

[Mr. G. D. Vartak]

property, he gets an additional qualification for becoming a municipal voter in that area, and if he does not pay the municipal dues on his property within a specified time, it stands to reason that he should be disqualified as a voter. Otherwise, section 11 (2) of the Act becomes almost ineffective. The provision has been clearly explained, and I think the Leader of the Opposition should not have raised any objection to this provision.

Question put, and agreed to.

Second Reading.

Mr. G. D. VARTAK: Sir, I beg to move that L. A. Bill No. IV of 1947 [A Bill to re-enact the Bombay Municipal Boroughs (Amendment) Act, 1944, the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1945, and the Bombay District Municipal and unicipal Boroughs (Amendment) Act, 1946, and to amend the Bombay rict Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925] be read a second time.

Question put and agreed to.

Bill read clause by clause.

The DEPUTY SPEAKER: As all the clauses to the Bill are uncontested, I think it will be convenient if I put all the clauses to the House together.

Mr. M. M. A. BHAIJI: Clause 2 may be contested.

The DEPUTY SPEAKER: What I meant was that as no amendments had been moved to any of the clauses, I could put them to the House together.

Mr. A. A. KHAN: They may be put separately, so that we would say 'No' to that clause or clauses that we want to oppose.

The DEPUTY SPEAKER: I would accede to the wishes of the Leader of the Opposition, and I will put the clauses separately, instead of all the clauses together.

Clause 2 (*Repeal of Bom. XX of 1944 and re-enactment of section 2 thereof*) ordered to stand part of the Bill.

Clause 3 (*Repeal of Bom. XXII of 1945 and re-enactment of sections 2 and 3 thereof*) ordered to stand part of the Bill.

Clause 4 (*Repeal of Bom. VII of 1946 and re-enactment of sections 2 and 3 thereof*) ordered to stand part of the Bill.

Clause 5 (*Amendment of section 86 of Bom. III of 1901*) ordered to stand part of the Bill.

Clause 6 (*Amendment of section 23 of Bom. XVIII of 1925*) ordered to stand part of the Bill.

Clause 7 (*Amendment of section 110 of Bom. XVIII of 1925*) ordered to stand part of the Bill.

Clause 1 and the Preamble ordered to stand part of the Bill.

Third Reading.

Mr. G. D. VARTAK: Sir, 'I beg to move that L. A. Bill No. IV of 1947 [A Bill to re-enact the Bombay Municipal Boroughs (Amendment) Act, 1944, the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1945, and the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1946, and to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925] be read a third time and passed.

Question put, and agreed to.

The DEPUTY SPEAKER: L. A. Bill No. IV of 1947 is read a third time and passed.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.